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INFO RUEHBR/AMEMBASSY BRASILIA PRIORITY 8725
RUEHBU/AMEMBASSY BUENOS AIRES PRIORITY 2241
RUEHCV/AMEMBASSY CARACAS PRIORITY 1817
RUEHGT/AMEMBASSY GUATEMALA PRIORITY 2973
RUEHLP/AMEMBASSY LA PAZ MAR 9997
RUEHPE/AMEMBASSY LIMA PRIORITY 7141
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RHEFDIA/DIA WASHDC PRIORITY
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C O N F I D E N T I A L BOGOTA 000803

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TAGS: [PREL](#) [PREF](#) [PHUM](#) [PTER](#) [MARR](#) [KJUS](#) [CO](#)
SUBJECT: GOC DISCOUNTS DIRECTIVE 29 LINK TO EXTRAJUDICIAL
MURDERS

Classified By: Political Counselor John Creamer
Reasons 1.4 (b and d)

SUMMARY:

11. (C) Human rights groups contend that Ministry of Defense's (MOD) Directive 29 contributed to extrajudicial executions by providing financial rewards to soldiers for killing FARC members and thus it should be repealed. MOD officials who participated in the investigation of the Soacha murders discount a possible role for the Directive, noting that payments under the Directive are controlled by a central committee and are only for specific targets. The Prosecutor General's Office (Fiscalia) agrees that the directive has not been a factor in extrajudicial killings, attributing the murders to the lack of internal military controls, an informal military system which rewarded body count, and criminal elements within the officers corps. Still, Fiscalia and MOD officials believe smaller payments made out of intelligence funds controlled at the brigade or battalion levels may have played a role in some murders. End Summary

HUMAN RIGHTS GROUPS CONCERNS:

12. (C) International and Colombian human rights groups believe there is a link between the Colombian Defense Ministry's Directive 29 of 2005 and extrajudicial killings committed by the Colombian Army. They argue that the secret directive gives military personnel tacit incentives to commit murder by establishing a system of rewards for information leading to the death or capture of enemy fighters. The human rights groups are urging the GOC to abolish the Directive and allow civil society oversight of payments to informants, as well as over the use of intelligence funds for this purpose.

MOD AND IG DISCOUNT CONNECTION:

13. (C) Army Inspector General Carlos Suarez and the MOD's Legal Advisor Monica Cifuentes (strictly protect)--both of whom participated in the Soacha Investigation--discount the possibility of causal link between Directive 29 and

extrajudicial killings. They noted the directive allows for rewards payments for information that directly contributes to: (1) the capture or "killed-in-action" of criminal group leaders and/or (2) the disruption of criminal group's activities. Cifuentes said the directive specifically prohibits the payment of incentives to public servants including military personnel, can only be paid following successful pre-planned operations, and is strictly monitored and approved by an Intelligence Board chaired by the Defense Minister (or the Vice) and all of the military services' intelligence commanders.

14. (C) Cifuentes highlighted the difference between Directive 29 and the intelligence funds (gastos reservados) controlled by brigade or battalion commanders. She said unit commanders received small amounts, fluctuating from \$500 (to brigade commanders) to \$2000 (for battalion commanders) a month, which they could use to compensate informants. Cifuentes said there is some evidence that indicate such funds may have been used to pay informants who helped recruit the victims in three of the Soacha cases. Suarez and Cifuentes underscored that there is no relation between Directive 29 and these intelligence funds. She added that none of the military involved in the Soacha murders sought funds under the directive, noting that "none of the cases nor the alleged amounts paid matched those proposed by Directive 29's rewards table."

AND FISCALIA CONCURS:

15. (C) Fiscalía Human Rights Officer director Sandra Castro agreed that the rewards paid under Directive 29 played no role in the extrajudicial killings investigated by the Fiscalía to date. She believes the key factors behind the extrajudicial killings were the interplay between the lack of internal military controls, an informal system which rewarded body count, and a criminal element within the officers corps. Castro said that based on witnesses testimony in the Soacha killings as well as other cases in Cordoba and Casanare, the Fiscalía believes the "body count" killings followed two models. In one, military commanders made deals with local criminal groups who supplied them with victims in exchange for their taking a blind eye to their crimes. In the second, commanders used "recruiters"--usually managed by non-commissioned officers who reported directly to the senior commander--to attract the victims.

16. (C) Castro said that in the latter cases, intelligence funds--which rarely exceed \$1500 a month--managed by brigade or battalion commanders may have contributed to the crimes. She said that in an investigation involving the Casanare Army Gaula (which may have murdered up to 80 victims), the Fiscalía uncovered records showing that payments of up to \$3500 may have been paid to the informant/recruiter who provided the unit with victims. Still, Castro noted that the recruiter has denied receiving the funds, and she speculated that the soldiers involved may have simply pocketed the money. Castro concluded that payments to informants are critical tools in the fight against the FARC and other criminal groups, adding that the Fiscalía's findings do not discredit this practice.

SOACHA CRIMINAL CASES:

17. (C) Castro said the Fiscalía planned to file charges in the Soacha murders in late February, but delayed the cases while the Prosecutor General (Fiscal) decides if he can apply plea bargaining (principio de oportunidad) in the cases. Two sergeants in the Fiscalía's witness protection program are willing to testify against their commanding officers in exchange for leniency: without their testimony it will be impossible to charge the colonels involved. However, under Colombian law the use of plea bargaining is sharply limited in human rights cases.

18. (C) She added that her office's investigation of extrajudicial killings continues to be hampered by resistance from military officers. In the Casanare Gaula cases, the military has collected intelligence on prosecutors and sent them anonymous threats. In a separate case, Castro noted that former Army Colonel Mejia--under investigation for extrajudicial killings committed in Cesar Department--has filed three disciplinary complaints against her--one with the Procuraduria, one with the Superior Judicial Council (Consejo Superior de Judicatura), and one with the Fiscalia. She also regularly receives anonymous notes accusing her of destroying the Army and supporting the FARC.

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